

STATE OF LOUISIANA LEGISLATIVE AUDITOR

Orleans Parish School Board
New Orleans, Louisiana

May 23, 2002



Investigative Audit

Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor

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Daniel G. Kyle, Ph.D., CPA, CFE

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Orleans Parish School Board

May 23, 2002



**Investigative Audit
Office of the Legislative Auditor
State of Louisiana**

**Daniel G. Kyle, Ph.D., CPA, CFE
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DANIEL G. KYLE, PH.D., CPA, CFE
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May 23, 2002

MR. ALPHONSE G. DAVIS
CHIEF EXECUTIVE OFFICER
ORLEANS PARISH SCHOOL BOARD
New Orleans, Louisiana

Transmitted herewith is our investigative report of the Orleans Parish School Board. Our examination was conducted in accordance with Title 24 of the Louisiana Revised Statutes and was performed to determine the propriety of certain allegations received by this office.

This report presents our finding and recommendations as well as your response. Copies of this report have been delivered to the Orleans Parish School Board; the Honorable Harry Connick, Sr., District Attorney for the Orleans Parish Judicial District of Louisiana; and others as required by state law.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel G. Kyle", is written over a horizontal line.

Daniel G. Kyle, CPA, CFE
Legislative Auditor

DD:EKL:DGP:dl

[ORLSB02]

Executive Summary

Investigative Audit Report Orleans Parish School Board

The following summarizes the finding and recommendations as well as management's response that resulted from this investigation. Detailed information relating to the finding and recommendations may be found at the page number indicated. Management's response may be found at Attachment I.

Background (*See page 3.*)

The Orleans Parish School Board is a political subdivision created for providing public education to the citizens of Orleans Parish under Louisiana Revised Statutes (R.S.) 17:51 and 17:121, as amended. The School Board is presently composed of seven members elected by districts serving concurrent four-year terms; these terms began January 2001.

The School Board is composed of a central office, 134 schools, and educational support facilities. Student enrollment for the 2001-2002 year was 75,223 regular and special education students. The School Board employs approximately 13,085 persons.

Highlights...

During a two and one-half year period, the Orleans Parish School Board paid Mr. Alphonse Davis \$85,144 for 4,132 hours of overtime. Furthermore, the School Board failed to provide adequate oversight to ensure that hours claimed were actually worked.

The Legislative Auditor received information of possible improprieties involving overtime paid to Mr. Alphonse Davis by the Orleans Parish School Board. On February 18, 2002, this office began a preliminary investigation of the allegation, reviewing school board timekeeping and payroll records and interviewing certain Orleans Parish School Board employees and others as deemed appropriate.

Finding (*See page 5.*)

From July 1999 to December 2001, Mr. Alphonse Davis was paid \$156,823 by the Orleans Parish School Board (OPSB) and a private employer for a combined total of 9,950 hours of work. This includes \$85,144 for 4,132 hours of overtime. Mr. Davis claimed to have worked all of the hours recorded on his time sheets. Later, Mr. Davis stated that he did not always reduce the

amount of overtime on his time sheets on occasions when he did leave work early. In addition, the OPSB did not:

1. Properly execute its contract with the union
2. Comply with the written agreement between itself and the union
3. Maintain adequate timekeeping records
4. Properly control or record overtime worked

Highlights...

Management should ensure that time sheets are accurate and that employees are paid only for hours actually worked. Furthermore, management should comply with state law regarding record retention.

Recommendations (See page 9.)

We recommend that management implement policies and procedures that will ensure that overtime is properly controlled and that employees complete time sheets in an accurate manner and are paid only for hours actually worked. We also recommend that management comply with R.S. 44.36(A) by keeping complete time records for at least three years. Furthermore, we recommend that management sign and adhere to the terms of its labor agreement.

Management's Response (See pages 11-20.)

Management concurs with the recommendations of the audit that "management implement policies and procedures that will ensure overtime is properly controlled and that employees complete timesheets in an accurate manner and are paid only for hours actually worked." Also recommended was that "management comply with R.S. 44:36(A) by keeping complete time records for at least three years" and that "management sign and adhere to the terms of its labor agreement."

In response to the above recommendations, before the investigative audit, management states that it has initiated policies and procedures to ensure overtime is properly monitored and controlled.

Background and Methodology

The Orleans Parish School Board is a political subdivision created for providing public education to the citizens of Orleans Parish under Louisiana Revised Statutes 17:51 and 17:121, as amended. The School Board is presently composed of seven members elected by districts serving concurrent four-year terms; these terms began January 2001.

The School Board is composed of a central office, 134 schools, and educational support facilities. Student enrollment for the 2001-2002 year was 75,223 regular and special education students. The School Board employs approximately 13,085 persons.

The Legislative Auditor received information of possible improprieties involving overtime paid to Mr. Alphonse Davis by the Orleans Parish School Board. On February 18, 2002, this office began a preliminary investigation of the allegation.

The procedures performed during this investigative audit consisted of (1) interviewing employees and officials of the School Board; (2) interviewing other persons as appropriate; (3) examining selected School Board records; (4) performing observations and analytical tests; and (5) reviewing applicable state and federal laws and regulations.

The result of our investigation is the finding and recommendations herein.

Finding

INADEQUATE CONTROLS FAIL TO PROVIDE OVERSIGHT FOR RECORDING OF OVERTIME HOURS

From July 1999 to December 2001, Mr. Alphonse Davis was paid \$156,823 by the Orleans Parish School Board (OPSB) and a private employer for a combined total of 9,950 hours of work. This includes \$85,144 for 4,132 hours of overtime. Mr. Davis claimed to have worked all of the hours recorded on his time sheets. Later, Mr. Davis stated that he did not always reduce the amount of overtime on his time sheets on occasions when he did leave work early. In addition, the OPSB did not:

1. Properly execute its contract with the union
2. Comply with the written agreement between itself and the union
3. Maintain adequate timekeeping records
4. Properly control or record overtime worked

Mr. Alphonse Davis has been employed as a custodian by the OPSB since May 1961. Since 1966, he has served as the head custodian at George Washington Carver Senior High School (Carver). Mr. Davis's son, Mr. Alphonse G. Davis, was appointed as superintendent of the OPSB in July 1999.

Shortly before Mr. Alphonse G. Davis became superintendent, major renovation work was begun at Carver. All buildings on Carver's campus were involved in the renovation, the bulk of which was completed by December 2001.

Agreement Between the OPSB and Union

As head custodian, Mr. Davis has a scheduled workday of 6:00 a.m. to 2:30 p.m. with a 45-minute lunch break. Mr. Davis's pay and work hours are outlined in a written agreement between the OPSB and the Local Union 872, Council 17 of the American Federation of State County and Municipal Employees AFL-CIO Custodian Employees (Union). On December 1, 1990, the OPSB and the Union verbally accepted the written agreement; however, neither party signed the agreement therefore the agreement was not properly executed.

Article 11 of the agreement addresses the work hours and pay for custodians who are called back after completing their workday and leaving the campus. The agreement states that custodial employees who are called back to campus shall be paid a minimum of four hours. The agreement goes on to state, "Further, the employee is expected to work up to four hours when called back."

Despite the agreement stating that the employee is expected to work up to four hours when called back, Union and OPSB representatives stated that employees are paid for four hours minimum regardless of how many hours the employees actually work. Both parties to the agreement state that it is unreasonable for a custodian to actually work four hours when called back. For example, if a custodian is called back to the school at midnight because of an emergency, both parties state that it is unreasonable to expect that the custodian should work four hours if the emergency is resolved in 15 minutes. Therefore, on callbacks to the school, the custodian is paid a minimum of four hours regardless of the time actually worked.

Hours Reported and Missing Timekeeping Records

In addition to his employment as head custodian with the OPSB, Mr. Davis was also employed by Adams and Associated Realty (Adams) as a part-time custodian. According to Ms. Mary A. Thomas, Property Manager for Adams, Mr. Davis was paid for four hours work per day regardless of how much time he actually took performing his duties. Ms. Thomas also stated that if he worked diligently, Mr. Davis could complete his duties in one hour.

From July 1999 through December 2001, Mr. Davis was paid \$156,791 for a combined total of 9,950 hours of work performed at the OPSB and Adams. He was paid \$143,863 for 8,334 hours worked at the OPSB (\$85,144 or 4,132 hours of which was overtime) and \$12,928 for 1,616 hours worked at Adams. If Mr. Davis worked for Adams the minimum of one hour per day, his average workweek would have been 67 hours continuously for two and one-half years.

A review of OPSB records before July 1999 when Mr. Alphonse G. Davis became superintendent indicates that from January 1, 1999, through June 16, 1999, Mr. Davis worked only 70 hours of overtime. Furthermore, he did not begin working the overtime until April 1999, which is approximately the time renovation work began at Carver. It appears that some of the overtime Mr. Davis worked may have been related to renovations. However, the 70 hours of overtime reported during the three-month period equals approximately 6 hours per week. After his son became superintendent, Mr. Davis reported an average of 32 hours of overtime per week.

OPSB is missing some of Mr. Davis's time sheets. A review of available time sheets and Adams' records indicate that Mr. Davis claimed to work up to 22.5 hours per day with long periods of time between days off (for example, 140 days with one day off). If timekeeping records were complete and retained for the three-year minimum, additional records could have been reviewed to determine the accuracy and the actual days that Mr. Davis claimed to have worked.

R.S. 44:36 (A), "Preservation of Records," states, in part, that public records should be preserved in accordance with formal records retention schedules developed and approved by the state archivist and director of the division of archives, records management, and history of the Department of State. However in all instances, in which a formal retention schedule has not been executed, such public records shall be preserved and maintained for a period of at least three years from the date on which the public record was made. The OPSB appears to be in violation of the above-mentioned statute.

Inadequate Control and Recording of Overtime

During an interview with Mr. Davis, he claimed to have worked all of the hours recorded on his time sheets. He also stated that his overtime increased when renovation work at the school began and coincidentally the time his son became superintendent. During a subsequent interview, Mr. Davis stated that his time sheets do not always reflect the actual amount of hours that he worked. Sometimes, according to Mr. Davis, when the construction workers renovating the school would leave work early, he would also leave early and not reduce the amount of overtime on his time sheets.

Mr. Theodore W. Jackson, Principal of Carver, approved Mr. Davis's time sheets. According to Mr. Jackson, Mr. Davis worked all of the hours recorded. However, Mr. Jackson was not present during all of the hours claimed by Mr. Davis.

A review of school board records revealed that Mr. Davis was correct in stating that he recorded hours that he did not work. Security records show that on several occasions he left the campus, but his time sheets indicate that he was still working. However, the records also indicate that Mr. Davis occasionally did not claim hours worked when security records indicate that he was on campus.

Mr. Davis's claim to have worked 9,950 hours over a two and one-half year period appears questionable given the amount of hours paid per day, the length of time worked without time off, and his admission that he submitted inaccurate time sheets to the OPSB.

Recommendations

We recommend that management implement policies and procedures that will ensure that overtime is properly controlled and that employees complete time sheets in an accurate manner and are paid only for hours actually worked. We also recommend that management comply with R.S. 44.36 (A) by keeping complete time records for at least three years. Furthermore, we recommend that management sign and adhere to the terms of its labor agreement.

Attachment I

Management's Response



NEW ORLEANS PUBLIC SCHOOLS

Working Together, We Can, We Must, We Will Succeed!

3510 GENERAL DEGAULLE DRIVE • NEW ORLEANS, LOUISIANA 70114

A. G. DAVIS (Colonel, USMC, Retired)

Chief Executive Officer

(504) 365-8730

(504) 365-8733 Fax

May 15, 2002

Dr. Daniel G. Kyle, CPA, CFE
Legislative Auditor
State of Louisiana
Baton Rouge, LA 70804-9397

Dear Dr. Kyle:

Below is the New Orleans Public Schools (NOPS) response to your investigative audit report regarding overtime in our district.

Management concurs with the recommendations of the audit that "management implement policies and procedures that will ensure overtime is properly controlled and that employees complete timesheets in an accurate manner and are paid only for hours actually worked." Also recommended was that "management comply with R.S. 44.36(A) by keeping complete time records for at least three years" and that "management sign and adhere to the terms of its labor agreement."

In response to the above recommendations, prior to the investigative audit, we have initiated policies and procedures that ensure overtime is properly monitored and controlled. These procedures require:

- 1) all overtime to be pre-approved in advance of the employee working the overtime, except in the case of emergencies;
- 2) payroll sheets are approved by the employee's immediate supervisor and accurately reflect employee time and attendance;
- 3) time records will be kept for a minimum of three years; and
- 4) the labor agreement will be forwarded to the Board for action.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

A. G. Davis
Chief Executive Officer

xc: Mr. Reese

ATT: memo to clerical staff/overtime request form (April 8, 2002)

Custodial Services Procedures for Overtime Assignment & Monitoring

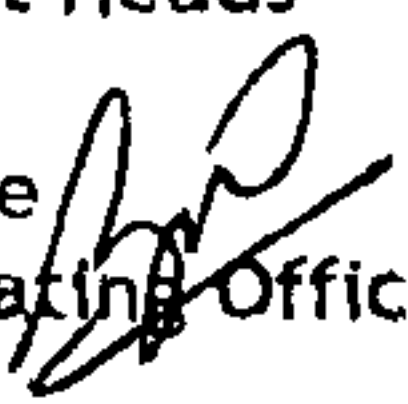
MEMORANDUM



Roger Reese, Jr.
Chief Operating Officer

Working Together, We Can, We Must, We Will Succeed!

TO: Executive Directors
Directors
Department Heads

FROM: Roger Reese 
Chief Operating Officer

DATE: April 8, 2002

SUBJECT: CLERICAL STAFF OVERTIME REQUEST FORM

All clerical overtime must be requested forty-eight (48) hours in advance and approved by your Executive Director. Each Department Head must estimate the overtime hours required, the cost and certify that funds are available in the department's budget to pay for the overtime expense.

A copy of the approved form should be maintained with the department's timesheet reflecting the overtime usage.

The above stated overtime procedure is in effect immediately.

mac

cc: Col. A. G. Davis
Mrs. Ollie Tyler

ORLEANS PARISH SCHOOL BOARD CLERICAL OVERTIME REQUEST FORM

Overtime work must be submitted for approval at least forty-eight (48) hour in advance of the time the work is to begin on the appropriate "Overtime Request Form." The Executive Director must approve the Overtime Request Form before employees can be notified that they are to work. Budget Unit Managers must estimate the number of hours required and the estimated cost of the overtime.

<i>Date of Requested Services:</i>	
<i>Date Submitted:</i>	<i>Department:</i>
<i>Project Description:</i>	
<i>Reason Why Job Must Be Done On Overtime:</i>	
<i>Estimated Hours Required:</i>	<i>Estimated Cost:</i>
<i>Names of Employees to Work: (List Below)</i>	
1.	7.
2.	8.
3.	9.
4.	10.
5.	11.
6.	12.

I certify that the funds are available in the School/Department's overtime account to cover the estimated cost.

Requested by Department Head : _____ **Date:** _____

☐ Approved

☐ Not Approved **Executive Director:** _____ **Date:** _____

**ORLEANS PARISH SCHOOL BOARD – CUSTODIAL SERVICES
PROCEDURES FOR OVERTIME ASSIGNMENT AND MONITORING**

Definitions of Emergency and Scheduled Overtime:

Emergency Overtime: Overtime assigned to address emergency situations after regular work hours have expired, e.g., secure buildings, broken water main, turn off fire alarm system, etc.

Scheduled Overtime: Overtime that is scheduled outside normal working hours. e.g., tasks associated with athletic events, PTO meetings, dances, town hall meetings, providing access for Maintenance employees or contractors, major cleaning projects, etc.

Note: All scheduled overtime work must be submitted for approval at least forty-eight (48) hours in advance of the time the work is to begin on the "Overtime Request Form for Custodial Services". The Executive Director of Auxiliary Services must approve the Overtime Request Form before employees can be notified that they are to work. (See Attachment A)

The "Monthly Overtime Summary Form for Custodial Employees" must be used to record the overtime status for each employee every month. (See attachment B)

The following steps must be followed in assigning and monitoring overtime:

1. A list of custodians assigned at each school is to be prepared. Employees are to be listed according to seniority with the most senior employee at the top of the list. Temporary or day-by-day custodial employees will not be offered overtime work.
2. Overtime shall be assigned equitably to head and assistant head custodians working at a given facility, by seniority. Other regular custodians assigned at a given facility will be assigned overtime in an equitable manner, as it is available to them. The time actually worked will be recorded. A new overtime list will be started at the beginning of each fiscal year. An assumption is made that any employee assigned to perform a task is actually qualified to complete it satisfactorily.
3. Employees have the option to refuse overtime assignments. Employees who want to refuse overtime work will have their names lined through on the seniority list, after submitting a letter stating that they do not want to accept overtime work assignments. The remaining employees are expected to accept overtime work when asked.
4. When an employee is on vacation and emergency overtime is encountered or scheduled overtime is planned; the principal, foreman or supervisor is not required to call the employee at his home to contact him/her. If an employee wants to accept emergency or scheduled overtime while on vacation he/she must call his/her school and check to see if overtime is available on a daily basis.

5. When an employee is on vacation and overtime is available they will be coded (V) in the (W) column and passed over when their name comes up on the overtime roster. These employees will be given an opportunity to catch up on overtime assignments after they return to work.
6. When an employee is on any type of excused absence, such as; Jury Duty, Short Term Military Leave (weekend duty or summer camp), or Bereavement, etc., they will be coded (E) in the (W) column and passed over when their name comes up on the overtime roster. These employees will be given an opportunity to catch up on the overtime assignments after they return to work.
7. Employees out on a leave of absence, job injury or sick leave, or on light duty assignment (unable to perform assigned work) or any other unexcused absence will have the hours that they would have worked (which is equal to the time other persons worked that same day on that same project) recorded as unavailable in the (U) column for overtime when their name comes up on the rotation list. When the employee returns from job injury or sick leave, and/or is again deemed physically able to perform the required tasks, he/she will assume their regular rotation on the seniority list. Employees may be passed over on the seniority list when on light duty status, if the principal/foreman/building manager deems that the employee cannot physically perform the required tasks. Overtime not worked as indicated above will not be counted against the employee as overtime refused.
8. All principals, foremen and supervisors must ensure that overtime is assigned equitably among head and assistant head custodians at each assigned facility. The seniority list will be renewed at the beginning of each fiscal year. Overtime assigned will be accumulated until the end of each fiscal year to indicate the total amount assigned to each employee.
9. When scheduled weekend overtime is required, employees shall be notified no later than Wednesday, if possible, that said overtime would be worked. All scheduled overtime must be submitted for prior approval on the attached Overtime Approval Request Form.
10. When an employee indicates that he/she wants to refuse emergency overtime and accept only scheduled overtime, that employee must furnish his/her principal/foreman/supervisor a letter requesting same and the overtime refused will be recorded per item (7) above.
11. If a principal/foreman/supervisor determines that an employee is not qualified to handle an emergency, that employee must not be called out to work the overtime required.

12. When an employee is asked to work and he/she refuses, the hours that would have been worked must be recorded as the number of hours refused (R) for that date. These hours will be counted as hours worked on the seniority list. After three refusals within a six (6) month period a warning notice must be issued. After the first warning notice each subsequent refusal within the same fiscal year another warning notice will be issued. After three warning notices have been issued or after a total of six (6) refusals to accept overtime within any one fiscal year, this employee's name will be lined (--) through on the seniority list for overtime assignment for the remainder of the current fiscal year.
13. When an employee's name comes up on the seniority list to receive the next available overtime and he/she cannot be contacted, the time that was actually worked must be recorded as unavailable in the (U) column. After three (3) attempts, on different dates within a six (6) month period, within the same fiscal year, to contact this employee and he/she is unavailable, a warning notice must be issued. After the first warning notice is issued a new warning notice must be issued for each additional time an employee is unavailable for overtime. After three warning notices have been issued or after a total of six (6) times an employee has been unavailable in any one fiscal year, this employee's name will be lined (--) through on the seniority list for overtime for the remainder of the current fiscal year.
14. When an employee is assigned and agrees to accept scheduled overtime, and he/she fails to show up for work, the time is recorded as if he or she had refused to work and listed in the (R) column and the following action must be taken:
 - First occurrence - written warning notice issued
 - Second occurrence - written warning notice issued
 - Third occurrence - written warning notice issued and employee will be taken off the active overtime list for a six (6) month period
15. When an employee is assigned and agrees to accept scheduled overtime and he/she reports to work tardy, the time is recorded as if he or she had worked and the following action must be taken:
 - First occurrence - written warning notice issued
 - Second occurrence - written warning notice issued
 - Third occurrence - written warning notice issued and employee will be taken off the overtime list for a six (6) month period.
16. When an employee is assigned emergency overtime, as soon as he/she arrives on the job site, he/she will notify his/her immediate supervisor or foreman, at the school or at home, of the job conditions and request additional personnel, if needed, to complete the task or make it safe and secure. When additional personnel are required other regular custodial employees assigned to that facility will be given first refusal in order of seniority.

Page 4 – Custodial Services Department – Overtime Procedures

- 17. When the overtime work load requires more personnel than the number of available personnel assigned to that facility a request for additional personnel must be made to the Executive Director of Facilities and Auxiliary Services.**
- 18. Principals and Building Managers must plan regular and extra curricular school activities and prepare custodial work schedules accordingly to minimize the amount of overtime assigned.**
- 19. The Principal/Supervisor/Building Manager must complete, approve and submit the white copy of the Overtime Payroll Form (OPF) to the Payroll Department. Attach a copy of the approved Overtime Request Form to the OPF for all scheduled overtime. The Payroll Department will require that the approved Overtime Request Form be attached to the OPF for processing of custodial employees' overtime pay. Send the yellow copy of all OPF forms to the Maintenance Department and retain the pink copy at the school/department with documentation. (See Attachment C)**

file:custodialovertimeprocedures.doc
January 16, 2001

Attachment B

MONTHLY OVERTIME SUMMARY REPORT:																															MONTH OF:				PAGE		OF	
NAME/POSITION/HIRE DATE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	MTD	PTD	YTD				
	W																																0		0			
	R																																0		0			
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LEGEND: W = worked overtime; R = refused overtime; U = unavailable for overtime; Y = vacation or excused absence; not sick leave (next available CT)

MTD = monthly total (columns 1 thru 31); PTD = prior month's total; YTD = year-to-date total (columns 1 thru 31)

OVERTIME Payroll Form (OPF)

Summary

Name of School:

Name of Custodian:

Social Security Number:

Signature of Custodian:

Period Ending Date:

Explains

Activity Code	Explanation of Overtime Need: include name of contractor (type of maintenance - plumbing or electrical), name of school function, name of group using facility, name of absent head or assistant head custodian, name of fund-raiser.	Activity Cost To Be Paid By	Date	Time In	Time Out	Overtime Hours
20						
				TOTAL		

11-11-11

SIGNATURE-

School Principal or Custodial Services Director

Date _____

Original white copy to Payroll - Yellow copy to Custodial Services (mail - Route 11) - Pink copy retained at school w/documentation

Instructions

Note: Please write legibly.

1. Enter school name.
2. Enter name of custodial employee overtime is to be paid.
3. Enter Social Security number of custodial employee overtime is to be paid.
4. Employee must sign his/her name.
5. Pay period ending date must be entered.

1. Enter activity code for overtime.
2. Write detailed explanation of overtime used. Include name of contractor (type of maintenance - plumbing or electrical), name of school function, name of group using facility, name of absent head or assistant head, name of fund-raiser, etc.
3. Codes 1 through 5 require entry indicating cost of services to be paid by. List name of specific department, school or program.
4. Insert date overtime was used.
5. Insert beginning time of overtime.
6. Insert end time of overtime.
7. Insert total number of hours for overtime that day.
8. Repeat numbers 1 through 7 for any additional overtime during this pay period.
9. The overtime hours column is to be totalled and the total hours to be paid are to be inserted in the last block titled TOTAL.

1. Signed and dated by Principal if at school or Custodial Services Director, if at administrative office.
2. Distribution:
 - a. Send original signed copy to Payroll with payroll transmittal.
 - b. Send copy to Custodial Services.
 - c. Retain copy in school office with back-up documentation.